



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 23-0907	Date:	March 31, 2023
Prime Sponsors:	Sen. Bridges; Van Winkle Rep. McLachlan; Evans	Bill Status:	Senate Judiciary
		Fiscal Analyst:	Aaron Carpenter 303-866-4918 aaron.carpenter@coleg.gov

Bill Topic: FALSE REPORTING OF EMERGENCY

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates the new crime of falsely reporting a mass shooting and expands the crime of falsely reporting an emergency to include when a threat causes a shelter-in-place order. Starting in FY 2023-24, the bill increases state and local revenue and expenditures.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill makes falsely reporting a mass shooting or an active shooter a class 6 felony. The bill also expands the crime of false reporting an emergency to include when a threat causes a shelter-in-place order or results in the initiation of a standard response protocol. Finally, the bill adds false reporting of an emergency that is a bias-motivated crime to the Victim's Rights Acts.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

False reporting of a mass shooting. This bill creates the new offense of false reporting a mass shooting, a class 6 felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of false reporting explosives, weapons, or harmful substances as a comparable crime. From FY 2019-20 to FY 2021-22, 21 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 20 were male and 1 was female. Demographically, 19 were White, and 2 were Black/African American.

False report resulting in a shelter in place. This bill creates a new factual basis for the existing offense of false reporting an emergency by adding that it is a crime if the report results in a shelter-in-place order. From FY 2019-20 to FY 2021-22, 11 individuals have been convicted and sentenced for this offense at the misdemeanor level. Of the persons convicted, 9 were male and 2 were female. Demographically, 10 were White and 1 was Hispanic.

Assumptions. Due to the low occurrence of the comparable crimes, the fiscal note assumes that any increase in criminal cases under the bill will be minimal. Further, the fiscal note assumes that low-level felonies are generally not sentenced to DOC. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required. In addition, workload to various state agencies will increase to provide more notifications to victims from adding an additional crime to the Victim's Rights Act. The fiscal note assumes that additional victims receiving notifications will be minimal.

Local Government

Similar to the state, it is expected that any workload increase for district attorneys to prosecute more offenses, or for county jails to imprison more individuals under the bill will be minimal. District attorney offices and county jails are funded by counties. In addition, workload to local agencies required to provide notifications to victims is expected to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections
Judicial

District Attorneys
Public Safety

Information Technology